

REMARKS

It is acknowledged that claims 2 to 6 remain pending in the application. Of the pending claims 2 – 6, claims 2 – 4 and 6 are rejected under 35 USC 102(e) as being directly anticipated by Miyajima, et al (U.S. Patent 6,397,884) whereas claim 5 is rejected under 35 USC 103(a) as being unpatentable over Miyajima, et al as applied to claims 2 – 4 in combination with Brown (U.S. Patent 4,474,189 or JP 11002348 A. Both of the rejections are based on the primary reference, Miyajima, et al (U.S. Patent 6,397,884).

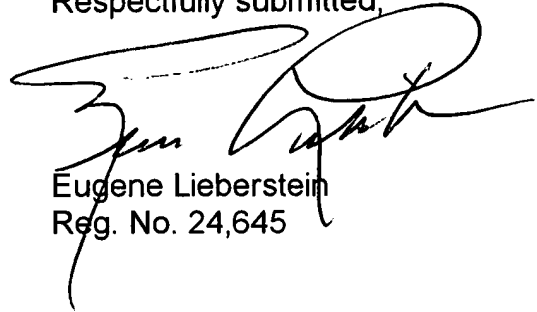
Applicant has enclosed herewith a Declaration of applicant under 37 CFR 1.132 which is signed by the inventor, Atsuo Miyajima, the same inventor as in the cited reference, Miyajima, et al (U.S. Patent 6,397,884). Mr. Miyajima has stated under oath that the invention disclosed and claimed in the subject application is not claimed in the cited reference, USP '884, and is solely the invention of Mr. Miyajima. The additional inventor, Mr. Tomohide Itoh, in USP '884 did not participate in the subject invention of this application. Accordingly, if USP '884 describes the invention claimed in this application, it was not the invention of another. Accordingly, USP '884 should be withdrawn as a reference. Applicant would also like to make it clear to the Examiner that when the subject application was filed, common ownership existed between the assignee of USP '884 and the assignee of the subject application.

Based upon the withdrawal of Miyajima, et al as a reference, the rejection of claims 2 – 4 and 6 under 35 USC 102(e) as being anticipated by Miyajima, et al and the rejection of claim 5 under 35 USC 103(a) as being unpatentable over Miyajima, et al should now be withdrawn as being based upon disqualified prior art.

Should the Examiner have a question regarding the content of the Declaration of applicant under 37 CFR 1.132 or any other objection to the withdrawal of the reference, applicant respectfully requests the Examiner to telephone applicant's attorney of record, identified below, to expedite the allowance of the subject application.

Reconsideration and allowance of claims 2 – 6 is respectfully solicited.

Respectfully submitted,



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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the US Postal Service as first class mail in an envelope addressed: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on September 27, 2006.

Signed:  , 9/27/06